

OYSTER RIVER COOPERATIVE SCHOOL DISTRICT

Policy Committee Meeting

April 13, 2016 3:30 – 5:00

Central Office

Agenda

- I. Call to Order
 - ADC – Use of Tobacco Products Strictly Prohibited
 - BBAB – Roles and Duties of the Board Chairperson
 - Annual Review of School Board Policies:
 - BBAA – School Board Member Authority
 - BDB – Board Officers/Board Organization Meeting
 - BDF – Advisory Committees to the Board
 - BDG – School Attorney
 - BEA – Regular Board Meeting
 - BEC – Non-Public Minutes
 - BEDG – Minutes
 - BEDH – Public Participation
- II. Policy Changes for Review from Requested Feedback
- III. Questions/Discussion

Next Meeting: To Be Determined

OYSTER RIVER COOPERATIVE SCHOOL BOARD	Policy Code: ADC Category: Required
Review/First Read School Board: December 5, 2012 Second Read/Adoption: December 19, 2012 <u>Policy Committee Review: April 13, 2016</u>	Page 1 of 2

USE OF TOBACCO PRODUCTS STRICTLY PROHIBITED
IN/ON ALL SCHOOL FACILITIES AND/OR GROUNDS

No person shall use any tobacco product in any facility maintained by the Oyster River Cooperative School District, nor on any of the grounds of the District.

“Tobacco products” means cigarettes, cigars, snuff, smokeless tobacco, smokeless cigarettes, e-cigarettes, liquid nicotine products containing tobacco, and tobacco in any other form.

"Facility" is any place which is supported by public funds and which is used for the instruction of students enrolled in preschool programs and in all grades maintained by the District. This definition shall include all administrative buildings and offices and areas within facilities supportive of instruction and subject to educational administration, including, but not limited to, lounge areas, passageways, rest rooms, laboratories, classrooms, study areas, cafeterias, gymnasiums, maintenance rooms, libraries, and storage areas.

Signs shall be placed by the District in all buildings, facilities and school vehicles stating that the use of tobacco products is prohibited.

It is the responsibility of the building principal(s), or designee, to initially enforce this policy by requesting that any person who is violating this policy to immediately cease the use of tobacco products. After this request is made, if any person refuses to refrain from using tobacco products in violation of this policy, the principal or designee may call the local police who shall then be responsible for all enforcement proceedings and applicable fines and penalties.

Students

No student shall purchase, attempt to purchase, possess or use any tobacco product in any facility, in any school vehicle or anywhere on school grounds maintained by the District.

Enforcement of this prohibition shall initially rest with building principals, or their designees, who may report any violation to the local police department. In accordance with state law, the police department shall be responsible for all proceedings and applicable fines and penalties.

The principal will develop regulations which cover disciplinary action to be taken for violations of this policy. These regulations will be communicated to students by means deemed appropriate by the principal. In addition to disciplinary actions taken by the school, criminal penalties for fines may result from violations of this policy.

Employees

No employee shall use any tobacco product in any facility in any school vehicle or anywhere on school grounds maintained by the District.

Initial responsibility for enforcement of this prohibition shall rest with building principals, or their designees. The principal may report violations to the local police department. In accordance with state law, the police department shall be responsible for all proceedings and applicable fines and penalties.

The principal will develop and implement the appropriate means of notifying employees of the possible disciplinary consequences of violating this policy. Any employee(s) who violate(s) this policy is subject to disciplinary action which may include warning, suspension or dismissal. In addition, fines or other penalties may result from enforcement of these prohibitions by other law enforcement officials.

OYSTER RIVER COOPERATIVE SCHOOL BOARD	Policy Code: ADC Category: Required
Review/First Read School Board: December 5, 2012 Second Read/Adoption: December 19, 2012 Policy Committee Review: April 13, 2016	Page 1 of 2

All other persons

No visitor shall at any time use tobacco products in any facility, in any school vehicle, or anywhere on school grounds maintained by the District.

Responsibility for enforcement of this prohibition shall rest with all School District employees who may report violations to the local police department. In accordance with state law, the police department shall be responsible for all proceedings and applicable fines and penalties.

Cross Reference:

JICH – Student Tobacco, Alcohol and Drug Use

JICH-R – Student Tobacco, Alcohol and Drug Use - Procedure

Legal References:

RSA 155:64 – 77, Indoor Smoking Act

RSA 126 – K:6, Possession and Use of Tobacco Products by Minors

RSA 126 K:7, Use of Tobacco Products on Public Educational Grounds Prohibited

<u>OYSTER RIVER COOPERATIVE SCHOOL BOARD</u>	<u>Policy Code: BBAB</u>
<u>Policy Committee Review: April 13, 2016</u>	<u>Page 1 of 1</u>

ROLES AND DUTIES OF THE BOARD CHAIRPERSON

Duties of the Chairperson

The Chairperson shall preside at all meetings of the Board and shall perform other duties as directed by law, New Hampshire Department of Education rules, and by this Board. In carrying out these responsibilities, the Chairperson shall:

1. Sign the instruments, acts, and orders necessary to carry out state requirements and the will of the Board;
2. Consult with the Superintendent in the planning of the Board meeting agendas;
3. Confer with the Superintendent on crucial matters that may occur between Board meetings;
4. Appoint members to serve on specific committees, subject to full Board approval;
5. Call emergency meetings of the Board as necessary;
6. Be the public spokesperson for the Board at all times except as this responsibility is specifically delegated to others; and
7. Preside at and be responsible for the orderly conduct of all Board meetings.

As presiding officer at all meetings of the Board, the Chairperson shall:

1. Call the meeting to order at the appointed time;
2. Announce the business to come before the Board in its proper order;
3. Enforce the Board's policies relating to the order of business and the conduct of meetings;
4. Put motions to a vote and announce the vote result.

The Chairperson shall have the right, as other Board members have, to offer motions, discuss questions, and vote.

Duties of the Vice-Chairperson

In the absence of the Chair, the Vice-Chair shall perform all the duties of the Chair.

Cross Reference:

BDB: Board Officers

EXISTING

OYSTER RIVER COOPERATIVE SCHOOL BOARD	Policy Code: BBAA
School Board First Read: May 20, 2015 School Board June 17, 2015 - Request for Public Hearing School Board (Public Hearing): August 19, 2015 School Board Second Read/Adoption: October 7, 2015 <u>Policy Committee Review: April 13, 2016</u>	Page 1 of 2 Category: Recommended

SCHOOL BOARD MEMBER AUTHORITY

The authority of individual Oyster River Cooperative School Board members is limited to participating in actions taken by the School Board as a whole when legally in session. School Board members shall not assume responsibilities of administrators or other staff members. The School Board or staff shall not be bound in any way by any action taken or statement made by any individual School Board member or group of School Board members except when such statement or action is pursuant to specific instructions and official action taken by the School Board consistent with policies BDB and BDF.

Delegation

A Board member may be delegated authority by the Board to take action outside a proper Board meeting only as one of the following: 1) an officer of the Board, 2) a member of a Board subcommittee, 3) a member of an advisory committee. 4) a Board Liaison to another committee or organization, or 5) for a specific task. Except for officers, all other delegations shall be appointed by the Chairperson of the Board and approved by proper vote of the Board.

Subcommittees:

The Board may form subcommittees from its own membership to facilitate the work of the Board. Subcommittees may be standing committees that serve continuously for a specific topic, or they may be special or ad hoc committees that serve for a specific task and are then dissolved. Such subcommittees will be comprised of up to three Board members. All Board subcommittees are subservient to the Board as a whole and will have study and review functions as assigned to them by proper motion of the Board. Subcommittees will report their findings and recommendations to the full Board which will take action as a whole. Subcommittees may also take action that have been previously authorized by the full Board or are inherent in their Board approved charge. It is not the intent of any sub-committee to ever have the authority to work outside or instead of the authority of the full Board. The Board retains the right to dissolve a subcommittee at any time.

All Board subcommittees are themselves public bodies under the Right-to-Know law and must comply fully with that law and all related policies equally as the Board itself.

Liaison

Board members may occasionally serve as Board liaison to other committees or organizations, both school and community based, for the purpose of reciprocal communication and reporting back to the Board. No more than two Board members may be delegated as liaison to the same committee or organization. Public access to the meetings and records of such committees or organizations is determined by how the Right-to-Know law applies to that committee or organization.

Communications and reports involving the liaison with the Board shall be consistent with the Right-to-Know law and all related policies.

OYSTER RIVER COOPERATIVE SCHOOL BOARD	Policy Code: BBAA
School Board First Read: May 20, 2015 School Board June 17, 2015 Request for Public Hearing School Board (Public Hearing): August 19, 2015 School Board Second Read/Adoption: October 7, 2015 <u>Policy Committee Review: April 13, 2016</u>	Page 2 of 2 Category: Recommended

Specific Task

An individual Board member may occasionally be delegated by the Board to perform a specific task. The motion to delegate a task to a Board member must include detailed instructions and be for a specific and limited time so that administrators, staff, other Board members and the public are fully aware of when a Board member is performing a task. If an original timeline is not met no new motion will be required but the Board member so tasked must keep the Board informed. All communications or actions related to the delegated task involving any other Board member must be at a proper Board meeting. A delegated task must not be used to circumvent the spirit of the Right-to-Know law.

This policy affects public access to the Board and the public's Right to Know. To protect that right, this policy requires a public hearing before it may be revised. Further, this policy may not be suspended except by a two-thirds vote at a public meeting. The Board must always fully comply with the letter and spirit of the Right-to-Know law that may not be suspended. This policy will be reviewed by the Board annually.

Legal references:

RSA 91-A:2, Meetings Open to Public

RSA 91-A:2-a, Communication Outside Meetings

N.H. Code of Administrative Rules-Section Ed. 303.01, Substantive Duties of School Boards

BBAA - SCHOOL BOARD MEMBER AUTHORITY

(Download policy)

Category: Recommended

The authority of individual Board members is limited to participating in actions taken by the Board as a whole when legally in session. Board members shall not assume responsibilities of administrators or other staff members. The Board or staff shall not be bound in any way by any action taken or statement made by any individual Board member except when such statement or action is pursuant to specific instructions and official action taken by the Board.

Each Board member shall review the agenda and any study materials distributed prior to the meeting and be prepared to participate in the discussion and decision-making for each agenda item. Each agenda will provide an opportunity for Board members to comment on District activities and/or educational issues. These comments may become topics for future Board discussions.

Board members may occasionally serve on committees or organizations for the purpose of reciprocal communication and reporting back to the Board. Committee assignments will be made by the Chairperson with Board approval.

Each member is obligated to attend Board meetings regularly. Whenever possible, each Board member shall give advance notice to the Chairperson or Superintendent of his/her inability to attend a Board meeting.

Legal references:

RSA 91-A:2, Meetings Open to Public

RSA 91-A:2-a, Communication Outside Meetings

N.H. Code of Administrative Rules-Section Ed. 303.01, Substantive Duties of School Boards

Appendix: BBA-R

Revised: April 2011

Revised: July 1998, November 1999, February 2004

DISCLAIMER: This sample policy manual is copyrighted to the New Hampshire School Boards Association and is intended for the sole and exclusive use of NHSBA Policy Service Subscribers. No portion of this manual may be reproduced, copied, transmitted, distributed, in any form, except as needed for the development of policy by a subscribing district. The materials contained in the manual are provided for general information only and as a resource to assist subscribing districts with policy development. School districts and boards of education should consult with legal counsel and revise all sample policies and regulations to address local facts and circumstances prior to adoption. NHSBA continually makes revisions based on school districts' needs and local, state and federal laws, regulations and court decisions, and other relevant education activity.

EXISTING

OYSTER RIVER COOPERATIVE SCHOOL BOARD	Policy Code: BDB
Second Read/Adoption School Board: October 3, 2012 School Board/Superintendent Revisions: January 13, 2014 School Board Review: March 31, 2015 <u>Policy Committee Review: April 13, 2016</u>	Page 1 of 1 Category: Recommended

BOARD OFFICERS/BOARD ORGANIZATION MEETING

The School Board members of the Oyster River Cooperative School Board shall be a Chairperson, and a Vice-Chairperson. The School Board Officers shall be elected at the annual organization meeting to serve until the next annual organization meeting or until a successor is elected. Any vacancy in any of such offices may be filled at any meeting of the Board provided that all members of the Board have been notified prior to the meeting that the vacancy will be filled at such meeting. The Superintendent is the chief executive officer and an ex-officio member of the Board and shall be the Executive Secretary ex-officio.

CHAIRPERSON:

The Chairperson shall preside at all meetings and shall not originate or second motions; however, the Chairperson shall have the right to vote on all matters before the Board. The chairperson shall consult with the Superintendent on the preparation of the agenda for each meeting, shall have authority to sign contracts and other instruments as approved by the Board in its name and on its behalf, and shall have such other powers and duties as the Board may from time to time determine.

VICE-CHAIRPERSON:

The Vice-Chairperson shall have the powers and duties of the Chairperson in his/her absence or for the duration of the disability, and such other powers and duties as the Board may from time to time determine.

The School Board shall organize annually at its first meeting following the District elections. Every member shall be notified of the meeting for organization, in accordance with RSA 91-A:2. This meeting shall be called to order by the Superintendent, who shall preside during and until the School Board election of a Chairperson.

This policy affects public access to the Board and the public's Right to Know. To protect that right, this policy requires a public hearing before it may be revised. Further, this policy may not be suspended except by a two-thirds vote at a public meeting. The Board must always fully comply with the letter and spirit of the Right-to-Know law, that may not be suspended. This policy will be reviewed by the Board and all standing advisory committees annually before the end of April to ensure full awareness and compliance.

Cross Reference: BBAA – School Board Member Authority
 BDF – Advisory Committees to the Board
 BDB-R – District Clerk/District Treasurer Job Descriptions

Legal Reference:

RSA 91 A- 2, Public Records and Meetings: Meetings Open to the Public

BDB - BOARD OFFICERS

(Download policy)

Category: Recommended

Board officers will include a chairperson, vice-chairperson and secretary. Officers will be elected at the board's re-organizational meeting following the school district annual meeting. Board officers will serve a one-year term, concluding at the re-organizational meeting the following year, at which time a new election of officers will occur.

If the chairperson resigns from the school board or resigns from the office of chair, the vice-chairperson will become chair of the board. If the vice-chairperson or secretary resigns from the school board or from the respective office, the board will hold new elections for those offices.

The Superintendent is an ex-officio, non-voting member of the Board.

Chairperson:

The chairperson shall preside at all meetings. The chairperson will have the right to vote on all matters before the Board. The chairperson will consult with the Superintendent on the preparation of the agenda for each meeting, shall have authority to sign contracts and other instruments as approved by the Board in its name and on its behalf, and shall have such other powers and duties as the Board may from time to time determine.

Additionally roles and duties of the chairperson are found in Board Policy BBAB.

Vice-chairperson:

The Vice-Chairperson will have the powers and duties of the Chairperson in his/her absence or for the duration of the disability, and such other powers and duties as the Board may from time to time determine.

Secretary:

The Secretary shall be responsible for Board correspondence when directed by the Chairperson.

Revised: June 2013

Reviewed: February 2004

Revised: July 1998

DISCLAIMER: This sample policy manual is copyrighted to the New Hampshire School Boards Association and is intended for the sole and exclusive use of NHSBA Policy Service Subscribers. No portion of this manual may be reproduced, copied, transmitted, distributed, in any form, except as needed for the development of policy by a subscribing district. The materials contained in the manual are provided for general information only and as a resource to assist subscribing districts with policy development. School districts and boards of education should consult with legal counsel and revise all sample policies and regulations to address local facts and circumstances prior to adoption. NHSBA continually makes revisions based on school districts' needs and local, state and federal laws, regulations and court decisions, and other relevant education activity.

EXISTING

OYSTER RIVER COOPERATIVE SCHOOL BOARD	Policy Code: BDF
School Board/Superintendent Revisions: January 13, 2014 Policy Committee Review: 5/13/15, 6/10/15, 9/9/15 School Board First Read: May 20, 2015 School Board June 17, 2015 - Request for Public Hearing School Board (Public Hearing): August 19, 2015 School Board Second Read/Adoption: October 7, 2015 <u>Policy Committee Review: April 13, 2016</u>	Page 1 of 2 Category: Optional

ADVISORY COMMITTEES TO THE BOARD

The Oyster River Cooperative School Board may rely on advisory committees to counsel it as a means of discerning the needs and desires of the School District and its residents. The central purpose of all advisory committees is to contribute to the educational program by conducting studies, identifying problems, and developing recommendations that enhance the effectiveness of the decision-making process. It is not the intent of any sub-committee/advisory committee to ever have the authority to work outside or instead of the authority of the full Board.

Any advisory committee shall have only those duties and powers as the Board determines. Said duties will be reviewed annually by the full Board. The ultimate authority to make decisions will continue to reside with the Board. No advisory committee's recommendations shall have any limiting effect on appropriations, unless all the procedures of RSA 32 have been followed.

Upon completing its assignment, each committee shall either be given new problems or be dissolved. Advisory committees shall not be allowed to continue for prolonged periods without a definite assignment. Each committee shall be instructed as to the length of time each member is being asked to serve, the service the Board wishes it to render, the resources the Board intends to provide, the approximate dates on which the Board wishes it to submit reports, and the approximate date on which the Board wishes to dissolve the committee. The committee shall be instructed as to the relationship it has to the Board, to individual Board members, to the Board member(s) assigned to provide liaison, to the public, to the Superintendent, the committee assistant, and the remainder of the professional staff.

The Board shall have sole power to dissolve any of its advisory committees and shall reserve the right to exercise this power at any time during the life of any committee.

The Board may seek the advice of the Superintendent before establishing or dissolving any advisory committee.

The Board shall make all appointments of citizens to advisory committees unless delegated to the superintendent. The Superintendent shall make all appointments of staff members.

The School Board shall see that the public is made aware of the services rendered by such committees and shall see that the public is informed of the major conclusions and recommendations made by such committees. All public announcements concerning the organization, membership, operation, recommendations and dissolution of such committees shall be made at such time and in such manner as the Board may choose.

Any advisory committee that reports to the Board or informs a decision ultimately to be made by the Board is a public body fully subject to the Right-to-Know law and related policies equally as the Board itself. This does not include advisory committees that only report to or inform a decision made by the Superintendent or his or her designee. For example, an advisory committee to recommend candidates to be nominated by the Superintendent is not a public body even though the Board votes to elect the single nominated candidate.

As each new advisory committee that is a public body is being organized, its members will review the Right-to-Know law and related policies to ensure full awareness and compliance.

OYSTER RIVER COOPERATIVE SCHOOL BOARD	Policy Code: BDF
School Board/Superintendent Revisions: January 13, 2014 Policy Committee Review: 5/13/15, 6/10/15, 9/9/15 School Board First Read: May 20, 2015 School Board June 17, 2015 Request for Public Hearing School Board (Public Hearing): August 19, 2015 School Board Second Read/Adoption: October 7, 2015 Policy Committee Review: April 13, 2016	Page 2 of 2 Category: Optional

This policy affects public access to the Board and the public's Right to Know. To protect that right, this policy requires a public hearing before it may be revised. Further, this policy may not be suspended except by a two-thirds vote at a public meeting. The Board must always fully comply with the letter and spirit of the Right-to-Know law that may not be suspended. This policy will be reviewed by the Board and all standing advisory committees annually.

Cross Reference:

- BBAA – School Board Member Authority
- BDB – Board Officers/Board Organization Meeting
- EFA: Availability and Distribution of Healthy Foods

Legal References:

- RSA 32:24, Other Committees
- RSA 91-A: Access to Public Records and Meetings

BDF - ADVISORY COMMITTEES TO THE BOARD

(Download policy)

Category O

The Board may rely on advisory committees to counsel it as a means of discerning the needs and desires of the School District and its residents. The central purpose of all advisory committees is to contribute to the educational program by conducting studies, identifying problems, and developing recommendations that enhance the effectiveness of the decision-making process.

Any advisory committee shall have only those duties and powers as the Board determines. The ultimate authority to make decisions will continue to reside with the Board. No advisory committee's recommendations shall have any limiting effect on appropriations, unless all the procedures of RSA 32 have been followed.

Specific topics for study or activity shall be assigned in writing to each committee. Upon completing its assignment, each committee shall either be given new problems or be dissolved. Advisory committees shall not be allowed to continue for prolonged periods without a definite assignment. Each committee shall be instructed as to the length of time each member is being asked to serve, the service the Board wishes it to render, the resources the Board intends to provide, the approximate dates on which the Board wishes it to submit reports, and the approximate date on which the Board wishes to dissolve the committee. The committee shall be instructed as to the relationship it has to the Board, to individual Board members, to the Board member(s) assigned to provide liaison, to the Superintendent, the committee assistant, and the remainder of the professional staff.

The Board shall have sole power to dissolve any of its advisory committees and shall reserve the right to exercise this power at any time during the life of any committee.

The Board may seek the advice of the Superintendent before establishing or dissolving any advisory committee.

The Board shall make all appointments of citizen to advisory committees. The Superintendent shall make all appointments of staff members to citizens advisory committees after approval of the Board.

The School Board shall see that the public is made aware of the services rendered by such committees of citizens as it may appoint and shall see that the public is informed of the major conclusions and recommendations made by such committees. All public announcements concerning the organization, membership, operation, recommendations and dissolution of such committees shall be made at such time and in such manner as the Board may choose.

Legal References:

RSA 32:24, Other Committees

Revised: May 2006

Reviewed: February 2004

Revised: July 1998

EXISTING

OYSTER RIVER COOPERATIVE SCHOOL BOARD	Policy: BDG
School Board/Superintendent Revisions: January 13, 2014 Reviewed by School Board: March 31, 2015 <u>Policy Committee Review: April 13, 2016</u>	Page 1 of 1 Category: Optional

SCHOOL ATTORNEY

The Superintendent, his or her designees, and the Board Chairperson, are each authorized to confer with or seek legal advice of an attorney. Consistent with Policy BBAA as a specific task, the Board may authorize a specific member to confer with legal counsel on its behalf. The Chairperson or other delegated Board member must report on any legal advice to the Board. A decision to seek legal advice or assistance on behalf of the School District shall normally be made by the Superintendent or by persons specifically authorized by the Superintendent. Such action shall occur where it is consistent with approved District policy or standard practice and meets an obvious need of the District. It may also take place as a consequence of a proper vote of the Board.

The School Board, or the Superintendent for routine legal assistance, may enter into a long-term agreement such as a retainer for legal services with a specific attorney or law firm. The District will only pay for legal services that are provided in accordance with the agreement for legal services or are otherwise authorized by this policy or a proper vote of the Board. The Board retains the right to counsel with or employ other attorneys and to terminate the service of any attorney. For routine legal assistance of the District as defined below, the Superintendent may employ other attorneys at his or her discretion.

Meetings of the Board that are wholly consultation with legal counsel are not subject to public access, except for the abbreviated record required by Policy BEDG, as allowed by the Right-to-Know law. However, any deliberations or actions of the Board, must be done at a proper public or non-public meeting except when allowed at a non-meeting in accordance with RSA 91-A:2. Selecting an attorney or law firm, employing, and entering into or terminating an agreement for legal services are not consultation with legal counsel and may only occur at a proper public meeting. The consultation with legal counsel exemption must not be used to circumvent the spirit of the Right-to-Know law.

Many types of instances of legal assistance to the District may be considered routine and not necessitating specific Board approval or prior vote. For example, the Superintendent may consult with the school attorney to interpret statutory requirements or regulations, prepare or review contracts and seek legal opinions regarding other District issues. Routine legal assistance does not include anything that directly involves the Board or any Board member.

However, in consideration of the Board's fiscal responsibilities, the administration shall provide to the Board a quarterly accounting of the District's legal fees incurred. It is understood that any extraordinary legal cost will be reported to the School Board in a timely manner.

This policy affects public access to the Board and the public's Right to Know. To protect that right, this policy requires a public hearing before it may be revised. Further, this policy may not be suspended except by a two-thirds vote at a public meeting. The Board must always fully comply with the letter and spirit of the Right-to-Know law that may not be suspended. This policy will be reviewed by the Board and all standing advisory committees annually before the end of April to ensure full awareness and compliance.

BDG - SCHOOL ATTORNEY

(Download policy)

Category O

The Board recognizes that the increasing complexity of School District operations frequently requires procurement of professional legal services. Consequently, it shall retain an attorney or law firm for that purpose.

A decision to seek legal advice or assistance on behalf of the School District shall normally be made by the Superintendent or by persons specifically authorized by the Superintendent. Such action shall occur where it is consistent with approved District policy or standard practice and meets an obvious need of the District. It may also take place as a consequence of formal Board direction.

Many types of instances of legal assistance to the District may be considered routine and not necessitating specific Board approval or prior vote. For example, the Superintendent may consult with the school attorney to interpret statutory requirements or regulations, prepare or review contracts and seek legal opinions regarding other District issues.

However, when the administration concludes that unusual types or amounts of professional legal service may be required, Board authorization for such service shall be promptly requested.

Reviewed: February 2004

Revised: July, 1998

DISCLAIMER: This sample policy manual is copyrighted to the New Hampshire School Boards Association and is intended for the sole and exclusive use of NHSBA Policy Service Subscribers. No portion of this manual may be reproduced, copied, transmitted, distributed, in any form, except as needed for the development of policy by a subscribing district. The materials contained in the manual are provided for general information only and as a resource to assist subscribing districts with policy development. School districts and boards of education should consult with legal counsel and revise all sample policies and regulations to address local facts and circumstances prior to adoption. NHSBA continually makes revisions based on school districts' needs and local, state and federal laws, regulations and court decisions, and other relevant education activity.

EXISTING

OYSTER RIVER COOPERATIVE SCHOOL BOARD	Policy Code: BEA Recorded from BE
School Board/Superintendent Revisions: January 13, 2014 School Board Review: March 31, 2015 <u>Policy Committee Review: April 13, 2016</u>	Page 1 of 2 Category: Recommended

REGULAR BOARD MEETINGS

The Oyster River Cooperative School Board shall meet at least once every two months. Unless otherwise determined by Board action, regular meetings of the Board shall be held at Oyster River High School on the first and third Wednesday of each month (with the exception of the months of July and August) in a handicapped accessible location, beginning at 6:30 for manifest review and 7:00 for other business. Additional meetings may be called by the Board Chairperson as needed. Public meetings will be scheduled to encourage public attendance.

Each Board member should articulate the reason for their votes and the Chairperson should encourage members who have not. Every spoken word should be clear and every document readily available, except when exempt from publication under provision 91-A or otherwise impracticable due to volume, complexity or other legitimate reason. It should be easy for the public to understand and follow along in detail with Board discussions at public meetings.

The Board reserves the right to cancel, adjourn or recess a meeting at any time. The Board also reserves the right to enter non-public session at any time, in accordance with the provisions of RSA 91-A:3 and Policy BEC.

Notice of all Board meetings will be posted in at least two appropriate places at least twenty-four (24) hours prior to the meeting as required by law. Notices will be posted outside of each school and at the District office as well as on the District web site when available. The agenda and related public documents for the meeting will also be posted on the District web site when available twenty-four (24) hours as required by law prior to the meeting. Notices will be posted consistently and to encourage public attendance at all public Board meetings. All changes of regular meetings from normal dates shall be advertised at least twenty-four (24) hours prior to the date of the meeting.

Emergency meetings may be called by the Chairperson or by action of a majority of the Board. For purposes of this policy, an emergency as defined in 91-A:2 II is a situation where immediate un-delayed action that does not allow regular notice is deemed to be imperative by those who called the meeting. In the event of an emergency meeting, the Board will post notice of time, place and purpose of the emergency meeting as soon as possible and will also use other reasonable means to inform the public that an emergency meeting is to be held. Minutes of an emergency meeting will clearly state the need and purpose for the emergency meeting. If the meeting was called by a majority of the Board, then the Board must begin the meeting by a proper vote declaring the need for the meeting. The Board may only discuss or act on the business deemed to be an emergency at an emergency meeting.

A proper meeting for this and other policies is one that fully complies with the Right-to-Know law and related policies. If a meeting is known to be improper, such as it was not properly posted, then it must be rescheduled for a time when it can be properly held.

Except for those meetings expressly exempt under the Right-to-Know law, all Board meetings shall be open to the public. The Board will establish the agenda of each meeting. The Board reserves the right to amend the agenda during the meeting, should a majority of the Board vote to do so. Additionally, the Board will allow public comments at regular public meetings consistent with Policy BEDH.

OYSTER RIVER COOPERATIVE SCHOOL BOARD	Policy Code: BEA Recorded from BE
School Board/Superintendent Revisions: January 13, 2014 School Board Review: March 31, 2015 <u>Policy Committee Review: April 13, 2016</u>	Page 2 of 2 Category: Recommended

The School Board recognizes that the consistent attendance of Board members at Board Meetings is essential for the efficient, effective operation of the Board's duties as well as fulfilling our individual obligations as elected officials. Each member is obligated to attend School Board meetings regularly. Whenever possible, each School Board member shall give advance notice to the Chairperson or Superintendent of his/her inability to attend a School Board meeting.

This policy affects public access to the Board and the public's Right to Know. To protect that right, this policy requires a public hearing before it may be revised. Further, this policy may not be suspended except by a two-thirds vote at a public meeting. The Board must always fully comply with the letter and spirit of the Right-to-Know law that may not be suspended. This policy will be reviewed by the Board and all standing advisory committees annually before the end of April to ensure full awareness and compliance.

Cross Reference: BEC – Non-Public Meetings
BEDH – Public Participation at Board Meetings

Legal References:

RSA 91-A, Access to Public Records and Meetings
RSA 91-A:2, II, Meetings Open to the Public
N.H. Code of Administrative Rules, Section Ed. 303.01(f), Substantive Duties of School Boards

BEA - REGULAR BOARD MEETINGS

Category: *Recommended*

The Board shall meet at least once every two months. Unless otherwise determined by Board action, regularly scheduled Board meetings will be held _____

Notice of all board meetings will be posted in accordance with the provisions of RSA 91-A. The Superintendent is authorized to post notice of the meeting on the District website. Minutes of all meetings will be taken and provided in accordance with the provisions of RSA 91-A.

All meetings shall be open to the public. Agendas will be established per Board Policy BEDH. The Board reserves the right to amend the agenda during the meeting, upon majority vote. Public comments will be allowed per Board Policy BEDH.

Additional meetings may be scheduled at the call of the Chair. Emergency meetings may be called in accordance with the provisions of RSA 91-A:2 and Board Policy BEB.

A majority of the Board shall constitute a quorum. Provisions for meeting a quorum are established in Board Policy BEDC.

The School Board recognizes that the consistent attendance of Board Members at Board Meetings is essential for the efficient, effective operation of the Board's duties as well as fulfilling our individual obligations as elected officials.

Legal References:

RSA 91-A, Access to Public Records and Meetings

N.H. Code of Administrative Rules, Section Ed. 303.01(f), Substantive Duties of School Boards

Revised: May 2012

Revised: May 2006, May 2007, September 2008

DISCLAIMER: This sample policy manual is copyrighted to the New Hampshire School Boards Association and is intended for the sole and exclusive use of NHSBA Policy Service Subscribers. No portion of this manual may be reproduced, copied, transmitted, distributed, in any form, except as needed for the development of policy by a subscribing district. The materials contained in the manual are provided for general information only and as a resource to assist subscribing districts with policy development. School districts and boards of education should consult with legal counsel and revise all sample policies and regulations to address local facts and circumstances prior to adoption. NHSBA continually makes revisions based on school districts' needs and local, state and federal laws, regulations and court decisions, and other relevant education activity.

REVISED EXISTING

OYSTER RIVER COOPERATIVE SCHOOL BOARD	Policy Code: BEC
School Board/Superintendent Revisions: January 13, 2014 School Board Review: March 31, 2015 <u>Policy Committee Review: March 9, 2016 & April 13, 2016</u>	Page 1 of 2 Category: Recommended

NON-PUBLIC SESSIONS

The Board may meet in non-public session for any purposes set out in RSA 91-A:3. Every non-public session must be preceded by a public meeting even if only for the action to enter non-public session. The public meeting must follow all the requirements of the Right-to-Know law and related policies. Upon a motion properly made and seconded, the vote to enter non-public session will be a recorded roll-call vote made in public session. The motion calling for a non-public session will state the matter(s) to be discussed and will state the statutory exemption(s) for entering non-public session.

Discussion in the non-public session must be limited to the matters and statutory exemptions made in the motion. To discuss any other subject, the Board must go back into public session and make another motion to enter into another non-public session. The minutes of the non-public session must enumerate each and every subject discussed during the non-public session. A vote to approve the minutes of a non-public session affirms that no other subject was discussed for which each Board member is individually accountable.

The Board shall record minutes of all non-public sessions. Non-public session minutes will be made publicly available within 72 hours of the non-public session, unless the Board votes to seal the minutes. The Board may seal minutes of a non-public session only by a two-thirds vote. The Board may only vote to seal minutes of non-public sessions if divulging such information would:

1. Adversely affect the reputation of a person other than a member of the Board;
2. Render a proposed board action ineffective; or
3. Thwart safety considerations pertaining to terrorism or other emergency functions of the Board.

The deliberation to seal minutes ~~may~~ must occur in ~~non~~-public session, and the motion to seal occurs in ~~non~~-public. The motion to seal the minutes must be properly made and seconded and state the exemption allowing the minutes to be sealed and the estimate of how long they will be sealed, such estimate not to be considered a definitive timeline but merely an estimate. ~~Once back in public session the Chairperson will inform the public who made the motion and the second, whether the minutes have been sealed and why and the estimate for how long they will be sealed by a vote of at least two-thirds of the members present.~~

Minutes may not be sealed if the session contained discussion of any subject not covered by the exemption. The minutes if sealed should be organized to address one subject covered by an exemption at a time so that the relevant portions of the minutes may be unsealed independently. If it is expected that the minutes for a non-public session may be sealed, then a separate non-public session should be held for each subject, with a separate public motion to enter.

Sealed non-public minutes may only be reviewed by the Board at a proper non-public meeting. Individual members may not review sealed minutes outside of a Board review. Minutes of all sealed non-public sessions must be reviewed by the Board at least annually to determine whether they should be unsealed.

OYSTER RIVER COOPERATIVE SCHOOL BOARD	Policy Code: BEC
School Board/Superintendent Revisions: January 13, 2014 School Board Review: March 31, 2015 <u>Policy Committee Review: March 9, 2016 & April 13, 2016</u>	Page 2 of 2 Category: Recommended

Board members are prohibited from publicly discussing matters that were properly discussed in non-public session beyond what is reported in the non-public minutes. This prohibition does not apply to subjects not included in the motion entering the non-public session.

The Superintendent or his/her designated administrator, as well as necessary personnel, may attend all non-public sessions of the Board, except those non-public sessions that pertain to the Superintendent's employment.

This policy affects public access to the Board and the public's Right to Know. To protect that right, this policy requires a public hearing before it may be revised. Further, this policy may not be suspended except by a two-thirds vote at a public meeting. The Board must always fully comply with the letter and spirit of the Right-to-Know law that may not be suspended. This policy will be reviewed by the Board and all standing advisory committees annually before the end of April to ensure full awareness and compliance.

Legal References:

- RSA 91-A:3, Non-Public Sessions
- RSA 91-A:4, Minutes and Records Available for Public Inspection
- RSA 42:1-a, Oaths of Town Officers: Manner of Dismissal; Breach of Confidentiality

BEC - NON-PUBLIC SESSIONS

(Download policy)

Category: Recommended

The Board may meet in non-public session for any of the purposes set out in RSA 91-A:3. Upon motion, the vote to enter non-public session will be a recorded roll-call vote made in public session. The motion calling for a non-public session will state the matter(s) to be discussed and will state the statutory reason(s) for entering non-public session.

The Board shall record minutes of all non-public sessions. Non-public session minutes will be made publicly available within 72 hours of the non-public session, unless the Board votes to seal the minutes. The Board may seal minutes of a non-public session only by a two-thirds vote. The Board will only vote to seal minutes of non-public sessions if divulging such information would:

1. Adversely affect the reputation of a person other than a member of the Board;
2. Render a proposed board action ineffective; or
3. Thwart safety considerations pertaining to terrorism or other emergency functions of the Board.

Board members should refrain from publicly discussing matters that were discussed in a non-public session.

The Superintendent or his/her designated representative may attend all non-public sessions at the pleasure of the Board, except those non-public sessions that pertain to the Superintendent's employment.

Legal References:

RSA 91-A:3, Non-Public Sessions

RSA 91-A:4, Minutes and Records Available for Public Inspection

RSA 42:1-a, Oaths of Town Officers: Manner of Dismissal; Breach of Confidentiality

Revised: September 2010

Revised: May 2006

DISCLAIMER: This sample policy manual is copyrighted to the New Hampshire School Boards Association and is intended for the sole and exclusive use of NHSBA Policy Service Subscribers. No portion of this manual may be reproduced, copied, transmitted, distributed, in any form, except as needed for the development of policy by a subscribing district. The materials contained in the manual are provided for general information only and as a resource to assist subscribing districts with policy development. School districts and boards of education should consult with legal counsel and revise all sample policies and regulations to address local facts and circumstances prior to adoption. NHSBA continually makes revisions based on school districts' needs and local, state and federal laws, regulations and court decisions, and other relevant education activity.

also issues associated with how and when any “recapture” or reconciliation of pay is made due to actual hours worked compared to the scheduled installments for pay. School board members should discuss any ramifications with their administrators of potential negotiation proposals before agreeing to such a provision during collective bargaining.

Impact on School Board Policies.

NHSBA Sample Policy DKA has been revised and is included in the Fall 2015 NHSBA Policy Update.

<i>Right-to-Know</i>

HB 108 – Sealing Non-public Session Minutes. Chapter 49 declares that the vote to seal non-public session minutes shall be taken in public session.

Legal Impact on School Boards.

This legislation amends RSA 91-A:3, III to clarify that the vote to seal non-public session minutes must be taken in public session.

Impact on School Board Policies.

No NHSBA Sample Policies are affected by this bill. However, NHSBA recommends that its members review their policy manuals and make any changes, as needed.

HB 142 – Tuition Contracts and Non-public Session. Chapter 270 allows a school board to consider pupil tuition contracts in non-public session under the right-to-know law. Beginning this school year, school boards will be able to consider, discuss, strategize and negotiate student tuition contracts confidentially, in nonpublic session. (See pages 2-3 of this Summary.)

The bill also specifies permissible conduct by an educational institution regarding school district access to a student’s personal social media account. (See page 9.)

Legal Impact on School Boards.

This law amends RSA 91-A:3, II by inserting a new subparagraph, (k), allowing for the non-public consideration by a school board of entering into a student or pupil tuition contract authorized by RSA 194 or 195-A.

Impact on School Board Policies.

No NHSBA Sample Policies are affected by this bill. However, NHSBA recommends its members review their policy manuals and make any changes, as needed.

privacy settings on a student's personal social media account. A student may not be disciplined or threatened in any way for failure to disclose information on the student's social media accounts.

However, an educational institution may adopt policies which permit conducting investigations into a student's personal account for the purposes of ensuring compliance with applicable law or institution policies for student misconduct based on the receipt of specific information about activity associated with a student's social media account. An educational institution may also revoke a student's access to equipment or computer networks owned or operated by the educational institution and may monitor network usage. Finally, an educational institution may request that a student voluntarily share a printed copy of a specific communication from the student's social media account that is relevant to an ongoing investigation.

The statute does not apply to personal social media accounts that are created or provided by the educational institution if the student has been provided advance notice that the account may be monitored at any time by employees of the educational institution.

IEP Meetings (Chapter 24)

Effective July 4, 2015, RSA 186-C:23, I(c) was repealed which removed facilitated IEP meetings as a form of alternative dispute resolution for special education disputes.

II. Right-To-Know Law, Meetings, and Elections

Nonpublic Session Sealed Minutes (Chapter 49)

Effective January 1, 2016, RSA 91-A:3, III is amended to require that a vote to seal nonpublic session minutes shall be taken in public session.

Nonpublic Sessions (Chapter 105)

Effective January 1, 2016, RSA 91-A:3, II(e) is amended to clarify that a public body may enter into nonpublic session to discuss pending claims or litigation which have been threatened in writing against or filed by the public body or by a member of the public body, until the claim or litigation has been fully adjudicated or otherwise settled. Currently, the statute only permits nonpublic session for claims or threatened litigation against the public body.

EXISTING

OYSTER RIVER COOPERATIVE SCHOOL BOARD	Policy Code: BEDG
School Board/Superintendent Revisions: January 13, 2014 School Board Review: March 31, 2015 <u>Policy Committee Review: April 13, 2016</u>	Page 1 of 1 Category: Recommended

MINUTES

A record of all public and non-public School Board meetings shall be kept as minutes. The minutes will include names of Board members in attendance, persons appearing before the Board, a brief description of all issues discussed, and all motions made, votes taken and decisions made. The record of each motion and vote shall include who moved the motion, who seconded, the method of taking the vote, and how each member voted. The record of each motion must describe the action of the Board in sufficient detail that whoever must comply with the motion need only read the record to know how to fully comply. The minutes must comply with the requirements of the Right-to-Know law, RSA 91-A, and must record all points of compliance with this law and related policies. Documents not part of a formal motion may be omitted if they are referred to and identified by some method.

Copies of draft Board meeting minutes will be sent to Board members in advance of the meeting at which they are to be approved. Corrections to the minutes may be made at the meeting at which they are to be approved.

The minutes of the Board will be kept in an official binder and will be in the custody of the Superintendent. Minutes of all public meetings will be made available on the District web site when available and for public inspection no later than five (5) business days after the meeting. Minutes for all non-public sessions will be made available on the District web site when available and for public inspection within seventy-two (72) hours after the non-public session, unless sealed consistent with Policy BEC.

An abbreviated record shall be kept for non-meetings as allowed under RSA 91-A:2, I. This abbreviated record shall only include the date, time, place, attendees and specific exemption under RSA 91-A:2, I that allowed the non-meeting. The record shall not include any description of the issues discussed. Abbreviated records for non-meetings shall be made available on the District web site when available and for public inspection within seventy-two (72) hours after the non-meeting. Since an abbreviated record for a non-meeting provides no details about the issues discussed, such records may not be sealed.

This policy affects public access to the Board and the public's Right to Know. To protect that right, this policy requires a public hearing before it may be revised. Further, this policy may not be suspended except by a two-thirds vote at a public meeting. The Board must always fully comply with the letter and spirit of the Right-to-Know law that may not be suspended. This policy will be reviewed by the Board and all standing advisory committees annually before the end of April to ensure full awareness and compliance.

Legal Reference: RSA 91-A:2 II, Public Records and Meetings: Meetings Open to Public
RSA 91-A:3 III, Public Records and Meetings: Non-Public Sessions
RSA 91-A:4 I, Public Records and Meetings: Minutes and Records available for Public Inspection

Cross Reference: BEA – School Board Meetings
BEC – Non-Public Session
BEDB – Agenda Preparation and Format

BEDG - MINUTES

(Download policy)

Category R

The Secretary will keep a record of the actions of Board meetings. The minutes of the Board will be kept in an official minute book and will include resolutions and motions. Papers not a part of a formal motion may be omitted if they are referred to and identified by some method.

Copies of the draft minutes of a meeting will be sent to the members of the Board before the meeting at which they are to be approved. Corrections to the minutes may be made at the meeting at which they are to be approved.

All minutes will be kept in accordance with RSA 91-A:2 and RSA 91-A:3 and will be in the custody of the Superintendent. Minutes of all public meetings will be made available for public inspection no later than five (5) business days after the meeting. Minutes for all non-public sessions will be made available for public inspection within seventy-two (72) hours after the non-public session.

Legal References:

RSA 91-A:2 II, Public Records and Meetings: Meetings Open to Public

RSA 91-A:3 III, Public Records and Meetings: Non-Public Sessions

RSA 91-A:4 I, Public Records and Meetings: Minutes and Records available for Public Inspection

DISCLAIMER: This sample policy manual is copyrighted to the New Hampshire School Boards Association and is intended for the sole and exclusive use of NHSBA Policy Service Subscribers. No portion of this manual may be reproduced, copied, transmitted, distributed, in any form, except as needed for the development of policy by a subscribing district. The materials contained in the manual are provided for general information only and as a resource to assist subscribing districts with policy development. School districts and boards of education should consult with legal counsel and revise all sample policies and regulations to address local facts and circumstances prior to adoption. NHSBA continually makes revisions based on school districts' needs and local, state and federal laws, regulations and court decisions, and other relevant education activity.

EXISTING

OYSTER RIVER COOPERATIVE SCHOOL BOARD	Policy Code: BEDH
School Board/Superintendent Revisions: January 13, 2014 Reviewed by School Board: March 31, 2015 Policy Committee Review: April 13, 2016	Page 1 of 1 Category: Recommended

PUBLIC PARTICIPATION AT BOARD MEETINGS

The primary purpose of the Oyster River Cooperative School Board meetings is to conduct the business of the Board as it relates to school policies, programs and operations. The public is encouraged to attend all public meetings of the Board. However, the public is not allowed to participate in public Board meetings except during public comments. The Board will allow public comments at regular public meetings.

Public comments can be limited by the Chairperson in order to accomplish the agenda in a timely manner. For the School Board to conduct its meetings properly and efficiently, and in order to assure that persons who wish to appear before the Board may be heard, it is expected that the following will guide public comments at Board meetings:

1. Consistent with RSA 91-A:3, Policy BEDB, and the laws pertaining to student and family privacy rights, the Board will not place any matter on the public agenda that is to be properly discussed in a non-public session. Complaints regarding district staff will be directed to the Superintendent.
2. All speakers are to conduct themselves in a civil manner. Obscene, slanderous, defamatory or violent statements will be considered out of order and will not be tolerated. The Board Chairperson may terminate the speaker's privilege of address if the speaker does not follow this rule of order.

This policy affects public access to the Board and the public's Right to Know. To protect that right, this policy requires a public hearing before it may be revised. Further, this policy may not be suspended except by a two-thirds vote at a public meeting. The Board must always fully comply with the letter and spirit of the Right-to-Know law that may not be suspended. This policy will be reviewed by the Board and all standing advisory committees annually before the end of April to ensure full awareness and compliance.

Legal Reference:

RSA 91-A:2, Meetings Open to Public
RSA 91-A:3, Non-Public Sessions

Cross Reference:

BEA – Regular Board Meetings
BEC – Non-Public Sessions
BEDB – Agenda Preparation and Format
KEB – Complaints about School Personnel

BEDH - PUBLIC PARTICIPATION AT BOARD MEETINGS

(Download policy)

Category R

See Also KE, KEB

The primary purpose of School Board meetings is to conduct the business of the Board as it relates to school policies, programs and operations. The Board encourages residents to attend Board meetings so that they may become acquainted with the operation and programs of the schools. All official meetings of the Board shall be open to the press and public. However, the Board reserves the right to meet and to adjourn or recess a meeting at any time. The Board also reserves the right to enter non-public session at any time, in accordance with the provisions RSA 91-A:3.

In order to assure that persons who wish to appear before the Board may be heard and, at the same time, it may conduct its meetings properly and efficiently, the Board adopts as policy the following procedures and rules pertaining to public participation at Board meetings:

1. The first 15 minutes will be set aside for citizens to address the Board. This period may be extended by a majority vote of the Board. Speakers will be allotted three minutes per person.
2. Members of the public may offer comments on agenda items only. The Board will not entertain comments on items that do not appear on the agenda. Requests to address the Board on matters not on the agenda must be presented to the Superintendent and must set forth the specifics of the subject to be addressed. When appropriate, the Board may place such requests on the agenda.
3. Consistent with RSA 91-A:3, Policy BEDB, and the laws pertaining to student and family privacy rights, the Board will not place any matter on the public agenda that is to be properly discussed in a non-public session. Complaints regarding individual employees, personnel or students will be directed to the Superintendent in accord with Policies KE and KEB.
4. All speakers are to conduct themselves in a civil manner. Obscene, libelous, defamatory or violent statements will be considered out of order and will not be tolerated. The Board Chair may terminate the speaker's privilege of address if the speaker does not follow this rule of order.

Persons appearing before the Board are reminded that members of the Board are without authority to act independently as individuals in official matters. Thus, questions may be directed to individual Board members, but answers must be deferred pending consideration by the full Board.

Legal Reference:

RSA 91-A:2, Meetings Open to Public

RSA 91-A:3, Non-Public Sessions

Revised: May 2007

Revised: July 1998, November 1999, February 2004